

105TH CONGRESS
2D SESSION

S. 2220

To provide the President with expedited Congressional consideration of line item vetoes of appropriations and targeted tax benefits.

IN THE SENATE OF THE UNITED STATES

JUNE 25, 1998

Mr. JOHNSON introduced the following bill; which was read twice and referred jointly pursuant to the order of August 4, 1977, to the Committees on the Budget and Governmental Affairs, with instructions that if one committee reports, the other committee have thirty days to report or be discharged

A BILL

To provide the President with expedited Congressional consideration of line item vetoes of appropriations and targeted tax benefits.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Legislative Line Item
5 Rescission Act”.

1 **SEC. 2. EXPEDITED CONSIDERATION OF CERTAIN PRO-**
 2 **POSED CANCELLATIONS OF BUDGET ITEMS.**

3 (a) IN GENERAL.—Title X of the Congressional
 4 Budget and Impoundment Control Act of 1974 (2 U.S.C.
 5 621 et seq.) is amended by adding after section 1012 the
 6 following new section:

7 “EXPEDITED CONSIDERATION OF CERTAIN PROPOSED
 8 CANCELLATIONS OF BUDGET ITEMS

9 “SEC. 1012A. (a) PROPOSED CANCELLATION OF
 10 BUDGET ITEM.—The President may propose, at the time
 11 and in the manner provided in subsection (b), the cancella-
 12 tion of any budget item provided in any Act. An item pro-
 13 posed for cancellation under this section may not be pro-
 14 posed for cancellation again under this title.

15 “(b) TRANSMITTAL OF SPECIAL MESSAGE.—

16 “(1) SPECIAL MESSAGE.—

17 “(A) IN GENERAL.—Subject to the time
 18 limitations provided in subparagraph (B), the
 19 President may transmit to Congress a special
 20 message proposing to cancel budget items con-
 21 tained in an Act. A separate special message
 22 shall be transmitted for each Act that contains
 23 budget items the President proposes to cancel.

24 “(B) TIME LIMITATIONS.—A special mes-
 25 sage may be transmitted under this section—

1 “(i) during the 20-calendar-day period
 2 (excluding Saturdays, Sundays, and legal
 3 holidays) commencing on the day after the
 4 date of enactment of the provision pro-
 5 posed to be rescinded or repealed; or

6 “(ii) at the same time as the Presi-
 7 dent’s budget for any provision enacted
 8 after the date the President submitted the
 9 preceding budget.

10 “(2) DRAFT BILL.—The President shall include
 11 in each special message transmitted under para-
 12 graph (1) a draft bill that, if enacted, would cancel
 13 those budget items as provided in this section. The
 14 draft bill shall clearly identify each budget item that
 15 is proposed to be canceled including, where applica-
 16 ble, each program, project, or activity to which the
 17 budget item relates.

18 “(3) CONTENTS OF SPECIAL MESSAGE.—Each
 19 special message shall specify, with respect to the
 20 budget item proposed to be canceled—

21 “(A) the amount that the President pro-
 22 poses be canceled;

23 “(B) any account, department, or estab-
 24 lishment of the Government to which such
 25 budget item is available for obligation, and the

1 specific project or governmental functions in-
2 volved;

3 “(C) the reasons why the budget item
4 should be canceled;

5 “(D) to the maximum extent practicable,
6 the estimated fiscal, economic, and budgetary
7 effect (including the effect on outlays and re-
8 cepts in each fiscal year) of the proposed can-
9 cellation; and

10 “(E) all facts, circumstances, and consider-
11 ations relating to or bearing upon the proposed
12 cancellation and the decision to effect the pro-
13 posed cancellation, and to the maximum extent
14 practicable, the estimated effect of the proposed
15 cancellation upon the objects, purposes, and
16 programs for which the budget item is provided.

17 “(4) DEFICIT REDUCTION.—

18 “(A) DISCRETIONARY SPENDING LIMITS
19 AND ADJUSTMENT OF COMMITTEE ALLOCA-
20 TIONS.—Not later than 5 days after the date of
21 enactment of a bill containing the cancellation
22 of budget items as provided under this section,
23 the President shall—

24 “(i) with respect to a rescission of
25 budget authority provided in an appropria-

tions Act, reduce the discretionary spending limits under section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 for the budget year and any outyear affected by the rescission, to reflect such amount; and

“(ii) with respect to a repeal of a targeted tax benefit, adjust the balances for the budget year and each outyear under section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 to reflect such amount.

“(B) ADJUSTMENT OF COMMITTEE ALLOCATIONS.—Not later than 5 days after the date of enactment of a bill containing the cancellation of budget items as provided under this section, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise levels under section 311(a) and adjust the committee allocations under section 302(a) to reflect such amount.

“(c) PROCEDURES FOR EXPEDITED CONSIDERATION.—

“(1) IN GENERAL.—

1 “(A) INTRODUCTION.—Before the close of
2 the second day of session of the Senate and the
3 House of Representatives, respectively, after the
4 date of receipt of a special message transmitted
5 to Congress under subsection (b), the Majority
6 Leader or Minority Leader of each House shall
7 introduce (by request) the draft bill accompany-
8 ing that special message. If the bill is not intro-
9 duced as provided in the preceding sentence in
10 either House, then, on the third day of session
11 of that House after the date of receipt of that
12 special message, any Member of that House
13 may introduce the bill.

14 “(B) REFERRAL AND REPORTING.—The
15 bill shall be referred to the appropriate commit-
16 tee or (in the House of Representatives) com-
17 mittees. The committee shall report the bill
18 without substantive revision and with or with-
19 out recommendation. The committee shall re-
20 port the bill not later than the seventh day of
21 session of that House after the date of receipt
22 of that special message. If the committee fails
23 to report the bill within that period, the com-
24 mittee shall be automatically discharged from

1 consideration of the bill, and the bill shall be
2 placed on the appropriate calendar.

3 “(C) FINAL PASSAGE.—A vote on final
4 passage of the bill shall be taken in the Senate
5 and the House of Representatives on or before
6 the close of the 10th day of session of that
7 House after the date of the introduction of the
8 bill in that House. If the bill is passed, the Sec-
9 retary of the Senate or the Clerk of the House
10 of Representatives, as the case may be, shall
11 cause the bill to be engrossed, certified, and
12 transmitted to the other House within 1 cal-
13 endar day of the day on which the bill is
14 passed.

15 “(2) CONSIDERATION IN THE HOUSE OF REP-
16 RESENTATIVES.—

17 “(A) MOTION TO PROCEED TO CONSIDER-
18 ATION.—A motion in the House of Representa-
19 tives to proceed to the consideration of a bill
20 under this subsection shall be highly privileged
21 and not debatable. An amendment to the mo-
22 tion shall not be in order, nor shall it be in
23 order to move to reconsider the vote by which
24 the motion is agreed to or disagreed to.

1 “(B) MOTION TO STRIKE.—During consid-
2 eration under this subsection in the House of
3 Representatives, any Member of the House of
4 Representatives may move to strike any pro-
5 posed cancellation of a budget item if supported
6 by 49 other Members.

7 “(C) LIMITS ON DEBATE.—Debate in the
8 House of Representatives on a bill under this
9 subsection shall not exceed 4 hours, which shall
10 be divided equally between those favoring and
11 those opposing the bill. A motion further to
12 limit debate shall not be debatable. It shall not
13 be in order to move to recommit a bill under
14 this subsection or to move to reconsider the
15 vote by which the bill is agreed to or disagreed
16 to.

17 “(D) APPEALS.—Appeals from decisions of
18 the Chair relating to the application of the
19 Rules of the House of Representatives to the
20 procedure relating to a bill under this section
21 shall be decided without debate.

22 “(E) APPLICATION OF HOUSE RULES.—
23 Except to the extent specifically provided in this
24 section, consideration of a bill under this sec-
25 tion shall be governed by the Rules of the

1 House of Representatives. It shall not be in
 2 order in the House of Representatives to con-
 3 sider any bill introduced pursuant to the provi-
 4 sions of this section under a suspension of the
 5 rules or under a special rule.

6 “(3) CONSIDERATION IN THE SENATE.—

7 “(A) MOTION TO PROCEED TO CONSIDER-
 8 ATION.—A motion to proceed to the consider-
 9 ation of a bill under this subsection in the Sen-
 10 ate shall be nondebatable. It shall not be in
 11 order to move to reconsider the vote by which
 12 the motion to proceed is agreed to or disagreed
 13 to.

14 “(B) MOTION TO STRIKE.—During consid-
 15 eration of a bill under this subsection in the
 16 Senate, any Member of the Senate may move to
 17 strike any proposed cancellation of a budget
 18 item if supported by 11 other Members.

19 “(C) LIMITS ON DEBATE.—Debate in the
 20 Senate on a bill under this subsection, amend-
 21 ments thereto, and all debatable motions and
 22 appeals in connection therewith (including de-
 23 bate pursuant to subparagraph (D)), shall not
 24 exceed 10 hours. The time shall be equally di-
 25 vided between, and controlled by, the Majority

1 Leader and the Minority Leader or their des-
2 ignees.

3 “(D) APPEALS.—Debate in the Senate on
4 any debatable motion or appeal in connection
5 with a bill under this subsection shall be limited
6 to not more than 1 hour, to be equally divided
7 between, and controlled by, the mover and the
8 manager of the bill, except that in the event the
9 manager of the bill is in favor of any such mo-
10 tion or appeal, the time in opposition thereto,
11 shall be controlled by the minority leader or his
12 designee. Such leaders, or either of them, may,
13 from time under their control on the passage of
14 a bill, allot additional time to any Senator dur-
15 ing the consideration of any debatable motion
16 or appeal.

17 “(E) MOTION TO LIMIT DEBATE.—A mo-
18 tion in the Senate to further limit debate on a
19 bill under this subsection is not debatable.

20 “(F) MOTION TO RECOMMIT.—A motion to
21 recommit a bill under this subsection is not in
22 order.

23 “(G) PLACED ON CALENDAR.—Upon re-
24 ceipt in the Senate of the companion bill for a

1 bill that has been introduced in the Senate, that
2 companion bill shall be placed on the calendar.

3 “(H) CONSIDERATION OF HOUSE COMPAN-
4 ION BILL.—

5 “(i) IN GENERAL.—Following the vote
6 on the Senate bill required under para-
7 graph (1)(C), when the Senate proceeds to
8 consider the companion bill received from
9 the House of Representatives, the Senate
10 shall—

11 “(I) if the language of the com-
12 panion bill is identical to the Senate
13 bill, as passed, proceed to the imme-
14 diate consideration of the companion
15 bill and, without intervening action,
16 vote on the companion bill; or

17 “(II) if the language of the com-
18 panion bill is not identical to the Sen-
19 ate bill, as passed, proceed to the im-
20 mediate consideration of the compan-
21 ion bill.

22 “(ii) AMENDMENTS.—During consid-
23 eration of the companion bill under clause
24 (i)(II), any Senator may move to strike all
25 after the enacting clause and insert in lieu

thereof the text of the Senate bill, as passed. Debate in the Senate on such companion bill, any amendment proposed under this subparagraph, and all debatable motions and appeals in connection therewith, shall not exceed 10 hours less such time as the Senate consumed or yielded back during consideration of the Senate bill.

“(4) CONFERENCE.—

“(A) CONSIDERATION OF CONFERENCE REPORTS.—Debate in the House of Representatives or the Senate on the conference report and any amendments in disagreement on any bill considered under this section shall be limited to not more than 2 hours, which shall be divided equally between the Majority Leader and the Minority Leader. A motion further to limit debate is not debatable. A motion to recommit the conference report is not in order, and it is not in order to move to reconsider the vote by which the conference report is agreed to or disagreed to.

“(B) FAILURE OF CONFERENCE TO ACT.—

If the committee on conference on a bill consid-

1 ered under this section fails to submit a con-
 2 ference report within 10 calendar days after the
 3 conferees have been appointed by each House,
 4 any Member of either House may introduce a
 5 bill containing only the text of the draft bill of
 6 the President on the next day of session there-
 7 after and the bill shall be considered as pro-
 8 vided in this section except that the bill shall
 9 not be subject to any amendment.

10 “(d) AMENDMENTS AND DIVISIONS PROHIBITED.—
 11 Except as otherwise provided by this section, no amend-
 12 ment to a bill considered under this section shall be in
 13 order in either the Senate or the House of Representa-
 14 tives. It shall not be in order to demand a division of the
 15 question in the House of Representatives (or in a Commit-
 16 tee of the Whole). No motion to suspend the application
 17 of this subsection shall be in order in the House of Rep-
 18 resentatives, nor shall it be in order in the House of Rep-
 19 resentatives to suspend the application of this subsection
 20 by unanimous consent.

21 “(e) TEMPORARY PRESIDENTIAL AUTHORITY TO
 22 CANCEL.—At the same time as the President transmits
 23 to Congress a special message under subsection
 24 (b)(1)(B)(i) proposing to cancel budget items, the Presi-
 25 dent may direct that any budget item or items proposed

1 to be canceled in that special message shall not be made
 2 available for obligation or take effect for a period not to
 3 exceed 45 calendar days from the date the President
 4 transmits the special message to Congress. The President
 5 may make any budget item or items canceled pursuant
 6 to the preceding sentence available at a time earlier than
 7 the time specified by the President if the President deter-
 8 mines that continuation of the cancellation would not fur-
 9 ther the purposes of this Act.

10 “(f) DEFINITIONS.—For purposes of this section—

11 “(1) APPROPRIATION ACT.—The term ‘appro-
 12 priation Act’ means any general or special appro-
 13 priation Act, and any Act or joint resolution making
 14 supplemental, deficiency, or continuing appropria-
 15 tions.

16 “(2) BUDGET ITEM.—The term ‘budget item’
 17 means—

18 “(A) an amount, in whole or in part, of
 19 budget authority provided in an appropriation
 20 Act except to fund direct spending programs
 21 and the administrative expenses of social secu-
 22 rity; or

23 “(B) a targeted tax benefit.

24 “(3) CANCELLATION OF A BUDGET ITEM.—The
 25 term ‘cancellation of a budget item’ means—

1 “(A) the rescission of any budget authority
2 provided in an appropriation Act; or

3 “(B) the repeal of any targeted tax benefit.

4 “(4) COMPANION BILL.—The term ‘companion
5 bill’ means, for any bill introduced in either House
6 pursuant to subsection (c)(1)(A), the bill introduced
7 in the other House as a result of the same special
8 message.

9 “(5) TARGETED TAX BENEFIT.—The term ‘tar-
10 geted tax benefit’ means any provision which has the
11 practical effect of providing a benefit in the form of
12 a different treatment to a particular taxpayer or a
13 limited class of taxpayers, whether or not such provi-
14 sion is limited by its terms to a particular taxpayer
15 or a class of taxpayers. Such term does not include
16 any benefit provided to a class of taxpayers distin-
17 guished on the basis of general demographic condi-
18 tions such as income, number of dependents, or mar-
19 ital status.”.

20 (b) EXERCISE OF RULEMAKING POWERS.—Section
21 904 of the Congressional Budget Act of 1974 (2 U.S.C.
22 621 note) is amended—

23 (1) in subsection (a), by striking “and 1017”
24 and inserting “1012A, and 1017”; and

1 (2) in subsection (d), by striking “section
2 1017” and inserting “sections 1012A and 1017”.

3 (c) CLERICAL AMENDMENTS.—The table of sections
4 for subpart B of title X of the Congressional Budget and
5 Impoundment Control Act of 1974 is amended by insert-
6 ing after the item relating to section 1012 the following:

“Sec. 1012A. Expedited consideration of certain proposed cancellations of bud-
get items.”.

7 (d) EFFECTIVE PERIOD.—The amendments made by
8 this Act shall—

9 (1) take effect on the date of enactment of this
10 Act;

11 (2) apply only to budget items provided in Acts
12 enacted on or after the date of enactment of this
13 Act; and

14 (3) cease to be effective on September 30,
15 2002.

16 **SEC. 3. REPEAL OF THE LINE ITEM VETO ACT.**

17 The Line Item Veto Act (Public Law 104–130) and
18 the amendments made by that Act are repealed.

○